

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 1:11CR070
	)	
Plaintiff,	)	JUDGE DAVID D. DOWD JR.
-vs-	)	
	)	
MATTHEW J. HOLLAND,	)	GOVERNMENT'S PROPOSED <u>VOIR DIRE QUESTIONS</u>
Defendant.	)	

The United States of America, through its counsel, Steven M. Dettelbach, United States Attorney for the Northern District of Ohio, and Phillip J. Tripi and Blas E. Serrano, Assistant U.S. Attorneys, submit the following set of proposed questions to be directed to the jury panel during voir dire examination.

1. Does any member of the jury personally, or any employer, employee, spouse, close friend, or relative know any of the attorneys involved in this case: Jaime Serrat, counsel for defendant Matthew Holland; or Phillip J. Tripi or Blas E. Serrano, Assistant U.S. Attorneys, counsel for the government; or Kerry McCafferty, Special Agent for the Federal Bureau of Investigation? If so, discuss.
2. Does any member of the jury personally, or any employer, employee, spouse, close friend, or relative know anyone else connected with the Office of the United States Attorney and/or the Federal Bureau of Investigation? If so, discuss.
3. Does any member of the jury personally, or any employer, employee, spouse, close friend, or relative know the defendant, Matthew Holland, or any of his known family members? If so, discuss.
4. Does any member of the jury personally, or any employer, employee, spouse, close friend, or relative know Richard Persa, or any of his known family members? If so, discuss.
5. Has any member of the jury read or heard anything about this case before today? (Follow-up questions at side bar.)
  - a. Was it from a media source? If so, which one and where did you hear or read it?
  - b. Was it from some source other than the media? If so, what was the source of information and when did you encounter it?
  - c. Have you ever discussed this case with anyone who claimed to know the facts?
  - d. Will you be able to decide this case solely upon the basis of evidence presented in Court, as opposed to anything you may have seen or heard about the case previously?
6. Has any member of the jury previously been a juror in a civil or criminal case? If so, discuss.

- a. In which court (Federal, Common Pleas, grand jury, etc.);
  - b. Civil or criminal; and
  - c. Did that jury reach a verdict?
7. Has any member of the jury personally, or any employer, employee, spouse, close friend, or relative ever been arrested, charged, or convicted of any criminal offense except minor traffic offenses? (Follow-up questions at side bar.)
- a. If so, provide details.
  - b. If so, were you or the person involved treated fairly by the police and prosecutor?
  - c. Would the prior experience with the police or prosecutor affect your ability to be fair and impartial in this case?
8. Has any member of the jury personally, or any employer, employee, spouse, close friend, or relative ever been the subject of any government investigation? If so, were you satisfied or dissatisfied with the outcome; and, do you feel you were treated fairly or unfairly?
9. Has any member of the jury personally, or any employer, employee, spouse, close friend, or relative ever had any disputes with the Federal Bureau of Investigation? If so, were you satisfied or dissatisfied with the outcome; and, do you feel you were treated fairly or unfairly?
10. Has any member of the jury personally, or any spouse, close friend, or relative ever worked for the Federal Bureau of Investigation? If so,
- a. During what time periods did you/they work at the Federal Bureau of Investigation?
    1. If no longer employed, how did your/their employment end? Do you feel that you/they were unfairly terminated?
  - b. In what city did you/they work for the Federal Bureau of Investigation?

- c. What position/positions did you/they hold while employed at the Federal Bureau of Investigation?
- 11. Does any member of the jury have any ill feelings toward the Federal Bureau of Investigation?
- 12. Has any member of the jury personally, or any spouse, close friend, or relative ever worked at one of the following banks, or any other bank?
  - a. U.S. Bank, located at 2312 Brookpark Road, Cleveland, Ohio
  - b. Key Bank, located at 6300 Brookpark Road, Cleveland, Ohio
  - c. Fifth Third Bank, located at 7414 Broadview Road, Parma, Ohio
  - d. Key Bank, located at 3370 West 117th Street, Cleveland, Ohio
  - e. If you/they worked at a bank not specifically mentioned, what bank and where did you/they work at?
    - 1. If so, during what time periods did you/they work at any of these banks?
    - 2. If so, what position/positions did you/they hold while employed at any of these banks?
    - 3. If no longer employed, how did your/their employment end? Do you feel you/they were unfairly terminated?
- 13. Does any member of the jury personally, or any spouse, close friend, or relative conduct business at one of the following banks, or any other bank?
  - a. U.S. Bank, located at 2312 Brookpark Road, Cleveland, Ohio
  - b. Key Bank, located at 6300 Brookpark Road, Cleveland, Ohio
  - c. Fifth Third Bank, located at 7414 Broadview Road, Parma, Ohio

- d. Key Bank, located at 3370 West 117th Street, Cleveland, Ohio
  - 1. If so, describe any negative prior experience that you/they might have with any of these banks.
  - 2. Would the prior experience with any of these banks affect your ability to be fair and impartial in this case?
- 14. Does any member of the jury personally, or any spouse, close friend, or relative live near any of the following banks?
  - a. U.S. Bank, located at 2312 Brookpark Road, Cleveland, Ohio
  - b. Key Bank, located at 6300 Brookpark Road, Cleveland, Ohio
  - c. Fifth Third Bank, located at 7414 Broadview Road, Parma, Ohio
  - d. Key Bank, located at 3370 West 117th Street, Cleveland, Ohio
- 15. Does any member of the jury have any ill feelings toward banks in general?
- 16. Has any member of the jury personally, or any spouse, close friend, or relative been the victim of a crime?
  - a. If so, how long ago did the crime occur and what was the nature of the crime?
  - b. What was the outcome of the case?
  - c. If so, which law enforcement agency did you/they communicate with, if any?
  - d. Do you/they believe that the case was resolved fairly or unfairly?

- e. Would this prior experience affect your ability to be fair and impartial in this case?
17. In this case, the defendant has been charged with violations of a federal statute relating to allegations that the defendant engaged in bank robberies. Do any of the jurors have a problem with accepting the fact that Congress has enacted the statute charged in this case which criminalizes bank robbery? Will you be willing to accept the law as I give it to you with regard to what constitutes a bank robbery?
18. In this case, the defendant has been charged with a violation of aiding and abetting two bank robberies. Under this statute, one who assists another in the commission of a crime can be charged with that crime. Do any of the jurors have a problem with accepting the fact that Congress has enacted a statute that allows one who assists in a crime to be charged with that crime?
19. Do any of the jurors feel that banks do not deserve protection from the type of conduct that the defendant is charged for?
20. Would any member of the jury hesitate to follow the instructions of law that the Court will give, regardless of whether or not he or she agrees with those instructions?
21. Will any member of the jury find it difficult to render a decision as to guilt or innocence without regard to any sympathy, pity, or other feelings he or she may have, either for or against the defendant?
22. Would any member of the jury prefer not to sit as a juror in a criminal case?
23. Does any member of the jury know of any reason why he or she cannot make a fair and impartial decision in this case?
24. The government also requests that the Court elicit from each prospective juror:
- a. His or her occupation;
  - b. His or her marital status;
  - c. The occupation of the prospective juror's spouse;
  - d. Whether the prospective juror has any children; and

e. The ages and occupations of any such children.

Respectfully submitted,

STEVEN M. DETTELBACH  
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of June, 2011, a copy of the foregoing Government's Proposed Voir Dire Questions was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

/s/ Phillip J. Tripi  
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Assistant U. S. Attorney

s/ Blas E. Serrano  
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